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1
2 being transported?
3 A. No.
4 Q. Did he say anything to you?
5 A. No.
6 Q. At some point in time you were
7 taken back into the police station then?
8 A. Yes.
9 Q. Up until the time you arrived
10 inside the police station, did you request
11 any medical treatment from any police
12 officer?
13 A. I don't recall, no.
14 Q. Well, did there come a point in
15 time in which you did request medical
16 treatment?
17 A. I believe so because within a
18 few minutes that they took me in. They
19 uncuffed me. They started searching me
20 everything, the EMS workers, the emergency
21 service unit from Mount Pleasant and Sleepy
22 Hollow arrived at that point, two
23 ambulances.
24 Q. Did you see the ambulances
25 arrive, or do you just know that the EMS

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1 workers appeared on the scene?
2 A. Well, I know that they appeared
3 on the scene, but I didn't see them arrive,
4 no.
5 Q. Did you request EMS, or was
6 that just called by someone else?
7 A. I think it was called by
8 someone else. I didn't get a chance to talk
9 or speak.
10 Q. Approximately how much time
11 passed from the time you were inside the
12 police station until EMS arrived and --
13 MR. YOUNG: -- evaluated.
14 Q. Evaluated you?
15 A. I'm not sure of that one. So
16 many things happening. There's so many
17 things going on at the same time, four or
18 five minutes, maybe, four or five minutes.
19 Q. I just want an approximation.
20 A. Yeah, around there.
21 Q. At any time point in time did
22 any police officer not permit you to obtain
23 medical treatment or to be evaluated by the
24 EMS workers?
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1
2 MR. YOUNG: Can you read that
3 question back again.
4 (Whereupon, the reporter read
5 back the requested material.)
6 MR. YOUNG: Do you mean did
7 they interfere with the EMS workers?
8 I don't know what "not permitted"
9 means.
10 MS. SHERVEN: All right, I'll
11 rephrase the question.
12 Q. At any point in time did any
13 police officer say to you that you could not
14 get medical treatment?
15 A. Not I could not get medical
16 treatment from what I heard. After I was
17 searched, a couple of other things, and I
18 was there sitting with the two EMS ambulance
19 corps, and they were checking me. They were
20 wiping the blood down. They were taking
21 some type of -- here.
22 Q. You're indicating your arm.
23 Are you indicating with a blood pressure
24 cup?
25 A. Yeah, it was something. And

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1 then I started, like, my legs starting
2 shaking. I couldn't control it. And she
3 wanted me to go to the hospital at that
4 point, and then somebody told her, no.
5 Q. I'm sorry. I didn't mean to
6 interrupt you, but as long as I did I'll
7 have you continue in a second, but who was
8 the she?
9 A. There was ambulance workers.
10 Q. Is it an EMS worker.
11 A. Yes, EMS worker from Sleepy
12 Hollow, and the female EMS worker she was
13 from Mount Pleasant.
14 Q. I'm sorry when I interrupted
15 you before, what were you saying about she
16 wanted you to go to the hospital, the female
17 EMS worker?
18 A. Right, she wanted to take me to
19 the hospital in the ambulance right away,
20 and some officer said, no, he's not going
21 anywhere until Detective Quinoy gets
22 treatment first.
23 Q. Which police officer said that
24 first?
25

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A. I have no idea. I just heard. There were lieutenants, sergeants, everybody was walking around outside. There was a lot of commotion you know.

Q. So, you didn't see who it was who said that?

A. Right, at that point my legs started trembling. I couldn't control the trembling, and then I couldn't control it. And my heart was running pretty fast, and she said, no, he has to go now.

Q. What happened then?

A. They got me in the ambulance, and I don't remember if it was a police officer there or maybe Michael Hayes was inside the ambulance and.

Q. But you were taken to the hospital?

A. Yes, to the hospital, yes.

Q. That was Phelps Hospital?

A. Phelps Hospital, yes.

Q. Approximately how much time passed from the time that the female EMS worker said that you needed treatment until

A. No. No. No. The one that said something to me was the detective. You know, I was going to get to that.

Q. I was going to ask you about him next. So, we're clear during this time when you're being I guess processed.

A. Right.

Q. Did either Officer Ebel or Officer Hayes say anything to you?

MR. YOUNG: Well, hold on. I'm just going to object to the word "processed". Whatever was happening, I don't know if we can call it processing yet, but go ahead. We haven't gotten to this yet.

A. No. They was basically saying the basic thing. And during that process, they were searching me, taking me out of the pockets, and if I had a weapon. You know, they were actually searching me and the whole thing. I had to take everything off.

Q. Okay, I'm going to stop you there. I know you want to get something with Detective Quinoy, but right now I'm

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you were in the ambulance?

A. About four or five minutes.

Q. Now, going back to the time when you said you were being searched when you were inside the police station, which police officers were searching you?

A. Oh, I think it was Officer Ebel and Officer Hayes, Michael Hayes.

Q. Just so the record is clear because I know there is another police officer named Hayes. The entire time when we've been talking about Officer Hayes, you've been speaking about the Police Officer Michael Hayes?

A. Michael Hayes.

Q. Not his father Gabriel Hayes?

A. Yes.

Q. During the time that these two police officers were searching you, did they say anything to you?

A. Well, they shackled me. They put the shackles to --

Q. -- I'm going to stop you right there. I'm just asking you what they said?

just asking you about Officers Ebel and Hayes. Did either of them say anything to you during this time period where you were being searched?

A. No. No. No. They were basically basic questions, what do you have. Take everything out of your pockets. Do this. Do that. Put your hands, and you know, basic questions or the process.

Q. To help with that process?

A. I mean with the procedure.

Q. But nothing of content say concerning this incident or anything else?

MR. YOUNG: Do you mean did they ask him what happened?

A. No. No. About the incident, no.

Q. It was merely the booking process, right?

A. Yes, right.

Q. For lack of a better --

A. -- from what I heard after that I heard --

MR. YOUNG: -- hold on.

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2 There's no question. She'll ask you
3 a question.

Q. At some point in time, did

Detective Quinoy or some other officer enter
6 the room where you were located with Ebel
7 and Hayes?

A. When Detective Quinoy entered,

I was by myself. And he came with my cell,
10 with my cell and he actually -- I was in the
11 shackles sitting in the metal seat sheet.

He said, you see this, (noise) and he broke
13 it in my face. He said, you fucked with the
14 wrong one, and he point at his shield.

He said, you're not going to be
16 inside taking care of the guys. You're
17 going to be inside. And I'm going to pass
18 the word, so they chew your ass alive.

That's was his words.

Q. Did you say anything to him?

A. No. No. I was quite in there.

Q. You may have said, but I didn't
23 catch it. What was it that Detective Quinoy
24 broke?

A. My cell phone. He got very

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2 close to my face, and he broke it -- he
3 started pointing the fingers, and he said,
4 you if you can with the wrong one. And he
5 pointed the fingers very close almost on my
6 forehead like this, broke the cell to my
7 phone. You're not in there taking care of
8 the guys. You're going in there yourself --
9 and I'm going -- I said that already.
10 Sorry.

MS. SHERVEN: I'm going to move
12 to strike the portions that are not
13 responsive.

Q. From the time that you were
15 inside the police station until the time
16 that you were taken into the ambulance, did
17 you have any conversation or did any police
18 officers speak to you other than Officers
19 Ebel and Hayes during the booking process or
20 Detective Quinoy?

A. Yes.

Q. Who?

A. I spoke to lieutenant, the
24 lieutenant.

Q. Which lieutenant, to the best

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2 of your recollection, his name?

A. I can't remember his name. He
4 was --

Q. Can you describe him?

A. Yes. He was Michael Hayes'
7 dad.

Q. Did you know him by face?

A. Yes. Yes.

Q. So, you know that this was
11 Lieutenant Hayes?

A. Lieutenant Hayes.

Q. Lieutenant Hayes, okay.

A. Because I was in a room, search
15 his car. And then I said --

Q. I'm going to stop you. Who
17 said, search his car?

A. I was sitting in the back, but
19 I could hear everything that was going on.
20 I couldn't recognize. Then I started
21 yelling Lieutenant Hayes, please come down
22 here, Lieutenant Hayes.

Then he came I said, please,
24 come here. Come down here. And then I said
25 please send another officer to search my

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2 car. I don't care who. Could be twenty,
3 thirty, but don't let Detective Quinoy
4 search my car, because I don't use any
5 drugs, and I don't want any surprises. I
6 don't want him to drop something in my car
7 and that later on say that look what I find
8 here. He said, don't worry about it. We're
9 going to take care of that.

Q. Did you know that Lieutenant
11 Hayes was present at the police station at
12 that time? Let me rephrase the question.
13 How did you know to call out to Lieutenant
14 Hayes?

A. I don't know.

Q. Did you see him?

A. Before?

Q. At all that night.

A. No.

Q. But for whatever reason you
21 called out to Lieutenant Hayes?

A. I called the sergeant first,
23 and then I heard Lieutenant Hayes' voice,
24 and that's how I knew that he was there.

Q. When you called out for a

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1
2 sergeant, were you calling out for a
3 specific sergeant or just calling a
sergeant?

A. Yes, just calling a sergeant.

6 Q. Did Lieutenant Hayes say
7 anything else to you other than what you've
8 already told us?

9 A. No.

10 Q. Other than Lieutenant Hayes and
11 the other police officers that we've talked
12 about, did you have any conversation or did
13 any other police officer speak to you during
14 this time?

15 A. Oh, during this time, no, no.

16 Q. You are suing several
17 individual police officers in this case,
18 right, that you've named several individual
19 police officers?

20 A. Yes.

21 Q. Why are you suing Officer
22 D'Allesandro?

23 MR. YOUNG: Why is he suing? I
24 put together the pleadings. He did
25 not put together the pleadings. I

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1 can tell you why we're suing Officer
2 D'Allesandro.

4 MS. SHERVEN: With all due
5 respect, you're not here for a
6 deposition. I'm sure that Mr. Gomez
7 can tell us why he believes he's
8 suing Officer D'Allesandro or any of
9 the other individuals.

10 Q. What are you alleging that
11 Officer D'Allesandro did in this case?

12 A. Well, from what I --

13 MR. YOUNG: I know maybe more
14 than you know, so you can give them
15 to the extent that you know.

16 A. From what I can understand
17 everything was put together by my Counsel,
18 and I don't know specifically say anything
19 about Officer D'Allesandro. But the one
20 that really --

MR. YOUNG: -- she's just
22 asking D'Allesandro not. She'll go
23 one by one.

24 THE WITNESS: Okay.

25 Q. Did you review the Complaint or

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1
2 read the Complaint that your attorney put
3 together in this case at any time?

4 A. Yes, I believe I did, right,
5 yes.

6 Q. Well, why do you believe that
7 Officer D'Allesandro is named in this case?

8 MR. YOUNG: I know why. She's
9 asking you.

10 A. Okay, I guess it was through
11 the description of my Counsel to put, advice
12 of my Counsel's to.

13 Q. I'm not asking you about any
14 conversations that you had with your
15 attorney. So I'm not asking about any
16 privileged conversations with your attorney
17 I'm just asking you. It's not a trick
18 question. I'm just asking you.

19 A. I'm trying to come up with a
20 good answer.

21 Q. Why? What do you believe that
22 Officer D'Allesandro did wrong in this case,
23 maybe, that's a better way of asking it?
24 I'm just trying to find out why he's
25 personally name?

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1
2 A. No. I don't believe he did
3 anything wrong actually, no.

4 Q. You've also sued or named in
5 this case Lieutenant Barry Campbell. Why do
6 you believe that he is named in this
7 lawsuit? Why are you suing him?

8 A. Well, Lieutenant Barry Campbell
9 was the officer assigned on the next shift,
10 which is the one that was that was the
11 morning shift. And Lieutenant Barry
12 Campbell was aware of the situation between
13 my daughter and Detective Quinoy. He was
14 not there during the incident, he was not
15 there for the incident.

16 Q. Did you see Lieutenant Campbell
17 at any time from the time that you arrived
18 at the police station until the time you
19 were taken to the hospital?

20 A. No, not at that time. Later.

21 Q. Later, when you came back from
22 the hospital; is that what you're inferring?

23 A. You want me to keep answering.
24 I saw him the next morning when I was going
25 to bring -- they were taking me to the jail.

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1 to the County.

2 Q. You didn't see him at all until

3 that point in time, is that right?

4 A. Right.

5 Q. Did you hear his voice at any

6 time, or have any reason to believe that he

7 was at the police station?

8 A. That night during?

9 Q. Right.

10 A. No. No.

11 Q. Well, what do you believe that

12 Lieutenant Campbell did wrong?

13 A. Can I ask him a question?

14 Q. No. There's a question

15 pending.

16 A. I'm sorry. Well, Lieutenant

17 Campbell actually didn't do anything wrong,

18 but he knows of the situation between my

19 daughter and Detective Quinoy, which he is a

20 married man, put him in a position of being

21 liable for in the case.

22 Q. Well, what do you believe that

23 he knew about the situation with your

24 daughter and Detective Quinoy?

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1 A. No. He knew they were going

2 out. That's pretty much it.

3 Q. Had you had some conversation

4 with Lieutenant Campbell before you were

5 arrested that leads you to believe that he

6 knew something?

7 A. Well, also to be honest with

8 you, there was quite a few people that came

9 forward, because they did the investigation

10 at the beginning of the case back in

11 October, and there was a witness that came

12 forward and told Lieutenant Barry Campbell

13 that she saw when Detective Quinoy kicked me

14 in my face when I was sitting down cuffed

15 already in the patrol car.

16 When my criminal court attorney

17 did the open file discovery, the name of

18 that lady did not appear in what the police

19 presented, so her name was taken out.

20 It was Lieutenant Campbell was

21 responsible for that investigation. That

22 name shouldn't have been taken out.

23 MS. SHERVEN: Let me move to

24 strike the portions that were

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1 nonresponsive to the question.

2 MR. YOUNG: Well, I think it

3 is. Off the record.

4 (Off-the-record discussion.)

5 Q. Just so I'm clear because I

6 don't think you answered my last question

7 specifically. Did you have some

8 conversation with Lieutenant Campbell which

9 leads you to believe that he knew something

10 about the relationship or between Detective

11 Quinoy and your daughter?

12 A. Yes. Right before I was being

13 transported, I saw a little bit before, I

14 think it was either before I saw the Judge

15 that morning or after. I was already

16 shackled up, and I was waiting to get

17 transported to the jail. He came to the

18 printing room, which I was sitting there,

19 and he asked me, hey, Mario, what happened.

20 I said, Barry, this is what

21 happened. I give him a brief rundown of the

22 situation with Quinoy. He said, Mario, what

23 are you talking about? I used to see them

24 together all the time. They look so

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1 innocent together. That was his answer.

2 After that, he left. He said I

3 be back. He never came back. I never saw

4 him again.

5 Q. I'm going to stop you there.

6 Other than that conversation with Lieutenant

7 Campbell, did you have some conversation

8 with him before you were arrested that leads

9 you to believe that he knew anything about

10 your daughter and Detective Quinoy?

11 A. No. No.

12 Q. Is that the only conversation

13 that you had with Lieutenant Campbell that

14 leads you to believe that he knew something

15 about your daughter and Detective Quinoy?

16 A. Yes.

17 Q. Now, you mentioned an

18 investigation. Is it your understanding

19 that Lieutenant Campbell was somehow

20 involved in an internal or a Police

21 Department investigation?

22 A. Yes. He was assigned the

23 investigation. And he called my -- after I

24 came out from jail, and he called my house

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1 quite a few times for me to come and give
2 statement in the Police Department.

3 Q. During those occasions that he
4 called your house, did you actually speak
5 with him, or did he leave messages?

6 A. He left messages. I was
7 already under the instruction by my attorney
8 not to respond to his call.

9 Q. You're referring to your
10 criminal court attorney?

11 A. Yes.

12 Q. Which attorney was that at that
13 time?

14 A. I remember my wife's attorney.
15 I can't remember my attorney.

16 Q. You're currently represented by
17 Angel Perez; is that correct?

18 A. Yes.

19 Q. And it was not --

20 A. -- no, it was not Angel at the
21 beginning, no.

22 Q. At any point in time did you
23 return a phone call from one of the messages
24 that Lieutenant Campbell left?

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1 A. No.

2 Q. Did your wife do so?

3 A. No. I don't think so, no.

4 Q. At any point in time did you
5 speak with Lieutenant Campbell other than
6 what you already told us about before you
7 went to see the Judge about the facts of
8 this case?

9 A. No.

10 Q. Is there any other reason other
11 than what you've just told us about
12 Lieutenant Campbell or any other reasons why
13 you believe that he is named in this
14 lawsuit?

15 A. No, that's it.

16 Q. Now, you've also named a
17 Lieutenant Gabriel Hayes, Michael Hayes'
18 father, correct?

19 A. Yes.

20 Q. What do you believe that
21 Lieutenant Hayes did wrong?

22 A. Actually, I don't know if he
23 did anything wrong. I'm not sure, you know.

24 Q. Well, other than when you saw

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1 him I guess during the booking process, did
2 you see him any other time that night?

3 A. No.

4 Q. You also named Sergeant Wood,
5 is that actually Sergeant Hood?

6 A. Hood, yes.

7 Q. Do you know Sergeant Hood?

8 A. Personally?

9 Q. Personally.

10 A. No.

11 Q. Would you recognize him?

12 A. Sure.

13 Q. Did you see Sergeant Hood at
14 all the night of your arrest?

15 A. Yes.

16 Q. When did you see him?

17 A. Inside the precinct, inside the
18 station.

19 Q. Did you see him at all outside
20 of the police station?

21 A. No.

22 Q. Did you have any conversation
23 with Sergeant Hood when you were inside the
24 police station?

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1 A. Yes, I believe that I can't
2 remember what, but I did spoke to him a few
3 times.

4 Q. Can you remember generally what
5 your conversations were with him?

6 A. It was generally that one time
7 he was passing by and, you know, I was
8 waiting to get transported, and one of my
9 cuffs was really -- I couldn't. I was going
10 to lose -- I lost all circulation on how
11 tight it was.

12 MR. YOUNG: Indicating on the
13 right wrist.

14 A. Yes. And I said, Sergeant. I
15 saw him walking around. Please, can you
16 have somebody loosen my cuff? Yes, a little
17 bit. I know what happened. Yes, I
18 understand, but I'm going to lose my fingers
19 or something. That's what I told him.

20 Q. Did he respond to you in any
21 way?

22 A. No. He kept walking. I mean
23 he was busy, but he didn't, like, so, now,
24 sometimes you look. You continue what

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1 you're doing. That's pretty much it.

2 Q. Did he give you any indication
3 that he had heard you?

4 A. No, not that I know.

5 Q. Did you say anything else to
6 him?

7 A. No. I know I spoke to him. I
8 don't know. I can't remember when I was
9 being transported or some of the questions.
10 I can't remember what question he asked him,
11 but he asked me but he asked me some type of
12 question, and I answered him.

13 Q. Just so we're clear, when was
14 this that you saw Sergeant Hood; was this
15 before or after you were taken to the
16 hospital?

17 A. Before and after. He was
18 there, yes.

19 Q. What do you believe that
20 Sergeant Hood did wrong?

21 A. Well, I believe Sergeant
22 Hood --

23 MR. YOUNG: -- other than what
24 he's already testified to.
25

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1 A. Sergeant Hood being that he was
2 one of the sergeants in charge of the shift
3 failed to come out and see that he
4 supervised his officers as to what happened
5 and tell them to stop. There's a certain
6 point that they have to come and stop, and
7 you know when you're making an arrest.

8 Q. What leads you to believe that
9 he was the sergeant in charge that night?

10 A. From what.

11 MR. YOUNG: -- can you just go
12 back to his answer. Did he use that
13 term "sergeant in charge"?

14 THE WITNESS: Yes, I shouldn't
15 say that.

16 MR. YOUNG: Because he also
17 used the word "supervise". I just
18 want to make sure.

19 (Whereupon, the reporter read
20 back the requested material.)

21 Q. Do you remember the question?

22 A. Yes. So, you want me to keep
23 answering?

24 Q. What leads you to believe that
25

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1 he was a sergeant in charge?

2 A. Also, there was the part when
3 my wife was come back from the hospital, she
4 got arrested. Detective Quinoy came out and
5 arrested her. And during the time that she
6 was getting printed and booked in and being
7 asked all the questions in Detective
8 Quinoy's office, my daughter came in asking
9 Sergeant Hood, do you know where my mom is.
10 And he said, no, I have no idea. And she
11 said I hope you guys didn't get arrested,
12 because that would be the icing on the cake.

13 And he also knew that she was
14 arrested, and he was lying to my daughter
15 giving her the wrong information. He should
16 have said, yes, your mom got arrested.
17 That's it.

18 MS. SHERVEN: I move to strike
19 that as nonresponsive.

20 A. Well, I'm giving you one more
21 of the things that I believe.

22 Q. I'm just trying to get to why
23 do you believe that he was in charge that
24 night or a sergeant in charge?
25

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1 A. One of the supervisors?

2 Q. Yes, yes, one of the
3 supervisors or sergeants.

4 A. Because I believe that he was
5 there during the time of the arrest, the
6 incident was happening outside.

7 Q. But you didn't see him outside
8 during the incident?

9 A. No. No.

10 Q. Did anyone ever tell you that
11 he was, I don't know a supervising sergeant?

12 A. I believe my wife did, yes.

13 Q. How did your wife come to learn
14 that Sergeant Hood was the supervising
15 officer that night?

16 A. Because she went three times
17 into the main station when they have the
18 glass and the officers ask you the questions
19 outside. And she saw the sergeant and the
20 other officer there.

21 Q. Do you believe that Sergeant
22 Hood did anything else wrong?

23 A. No. No. No.

24 Q. Now, you've also named in this
25

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1 lawsuit the Chief of Police Jimmy Warren.
2 What do you believe that he did wrong?

3 A. I believe that this situation,
4 this whole situation that happened not only
5 mine but a lot of things in the Village of
6 Sleepy Hollow due to the lack of supervision
7 by the Chief of Police. He's definitely
8 responsibility to what happened to me and my
9 family.
10

11 Q. What do you believe that he did
12 wrong, though?

13 A. Well, he was not there, but he
14 was in the hospital with Detective Quinoy
15 during the time that Detective Quinoy was
16 getting treatment.

17 Q. Were you finished with your
18 answer or?

19 A. Well, I was waiting for you to
20 keep going. You want me to continue in the
21 same answer everything that I know?

22 Q. If you have something else to
23 add, then go ahead. But I'm asking you
24 specifically what you believe that the Chief
25 of Police, Chief Warren, what he did wrong?

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1 MR. YOUNG: Because I know
2 where this is going. Let me try and
3 make it as easy as possible. Why
4 don't you start going back
5 chronologically by the high school.
6 I think that's the earliest one.

7 MS. SHERVEN: For the record,
8 though, I don't appreciate that
9 you're coaching the Witness.
10

11 MR. YOUNG: I'm not coaching.

12 A. Then I will do -- you want the
13 whole answer. It might take a little while.

14 Q. I'm just going to ask you then
15 we'll followup to this?

16 A. To Jimmy Warren?

17 Q. I'm asking you about Chief
18 Warren, you know Chief Warren, correct?

19 A. Yes.

20 Q. Was he physically present at
21 all during any of the incident that you've
22 described with the police during your
23 arrest, anything, did you see him?

24 A. He was in the hospital.

25 Q. But I'm not asking about the

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1 hospital.

2 A. No, no, no, not during the
3 arrest or the incident, no, he was not. I
4 didn't see him at all, no.

5 Q. Would you recognize Chief
6 Warren's voice if you heard it?

7 A. Yes.

8 Q. Did you hear his voice at all
9 while you were at the police station?

10 A. I was all the way at the end.
11 There was a lot of people coming in and out.
12 There was Tarrytown Police came in, and he
13 had to be there. I know he was there.

14 Q. How do you know that he was
15 there?

16 A. I'm assuming that he was there.

17 Q. Okay. You told us earlier that
18 you had heard Lieutenant Hayes' voice. Did
19 you hear Chief Warren's voice at any point
20 in time during the time you were in the
21 precinct?

22 A. I'm pretty much I believe that
23 I heard his voice. I'm not sure if it was
24 his voice. I'm pretty sure.
25

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1 MR. YOUNG: Don't guess.

2 A. Don't guess. No, okay. Sorry.

3 MR. YOUNG: Can I just take a
4 twenty-second break.

5 (Whereupon, a recess was
6 taken.)

7 Q. I'm not clear on your last
8 answer. Just so we're clear and the record
9 is clear because I think it was a little
10 jumbled. Did you hear Chief Warren's voice
11 at all while you were at the police station?

12 A. No, not that I can recall.

13 Q. Now, you said that you know he
14 was at the hospital?

15 A. Yes.

16 Q. Did you actually see Chief
17 Warren at the hospital?

18 A. No. My wife saw him.

19 Q. Did your wife have any
20 conversation with Chief Warren while at the
21 hospital, and referring to Phelps Hospital,
22 right?

23 A. Yes.

24 Q. Did your wife have any
25

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M. GOMEZ

1 conversation with him then?

2 A. She did call him twice, Jimmy,
3 Jimmy because he knows her also. And can I
4 talk to you one minute, please. I want to
5 say something to you. He went like this
6 with the hand.

7 MR. YOUNG: Motioning away.

8 A. Motioning away, pushing, okay.
9 Never came to even say a word to see what
10 was happening.

11 Q. Did your wife tell you if she
12 saw Chief Warren at all any other time that
13 night?

14 A. Any other time?

15 Q. Any other time.

16 A. No.

17 Q. So, just that one time?

18 A. Yes.

19 Q. Did any other member of your
20 family try to talk to Chief Warren that
21 night?

22 A. No, not that I can remember.
23 No. I don't know if my daughter was trying.
24 I don't know. No, she was not there during

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M. GOMEZ

1 the incident, so she was --

2 Q. Now, you've named Chief Warren
3 individually or personally. What do you
4 think that he did wrong?

5 A. It all starts way before my
6 incident, and due to the situation that
7 Chief Warren was in the back of the Sleepy
8 Hollow High School in his car with his
9 girlfriend, okay.

10 Q. What's his girlfriend's name?

11 A. I don't know because he's
12 married, and his wife is a sergeant in the
13 County Corrections. And this is one of the
14 most simple I think that is definitely that
15 is related to Detective Quinoy. And the
16 custodian heard her yelling and screaming.
17 She was kicking the car, crashing Jimmy.

18 Q. The custodian you said?

19 A. The custodian of the high
20 school. He called the police. I mean
21 Police Officer Quinoy responded to the
22 incident. After that, everything was taken
23 care of, and nothing was done about it.
24 Everything was quiet. A little bit after

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M. GOMEZ

1 that, Police Officer Quinoy was promoted to
2 Detective Quinoy.

3 Q. When was this?

4 A. Oh, that's a few years back.

5 Q. Can you approximate for me how
6 many years?

7 A. Say, three years, three or four
8 years, three years ago.

9 Q. 2005?

10 A. So, 2005, 2004, around there.

11 Q. What was the custodian's name?

12 A. I have no idea.

13 Q. Did you personally speak with
14 the custodian?

15 A. No. I was given this
16 information by friends.

17 Q. Who gave you this information?

18 A. I heard that from around town
19 actually, you know.

20 Q. Well, who specifically told
21 you; what was the person or persons' names?

22 A. You know, the whole town knows
23 what's going on, so, basically.

24 Q. I'm not asking you what anyone
25

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M. GOMEZ

1 else knows. I'm asking you who told you
2 this information?

3 MR. YOUNG: Or any of the
4 individuals.

5 Q. Or any of the individuals.

6 A. Right, that gave me the
7 information. I can't remember now. I'm
8 sorry.

9 Q. Were any of the individuals
10 that told you this information members of
11 the police department, of the Sleepy Hollow
12 Police Department?

13 MS. SHERVEN: Let the record
14 reflect the Witness, that the
15 Plaintiff is looking at his Counsel
16 for direction, and Counsel is nodding
17 his head. He's not saying anything,
18 but he's nodding his head.

19 A. Yes.

20 Q. Which members of the Sleepy
21 Hollow Police Department told you this?

22 A. Honestly, Counsel, it was quite
23 a few years back, and I have all the things
24 to tell you about Jimmy Warren. I think
25

M. GOMEZ

we're spending a little time on this. I can't remember exactly what member told me.

MR. YOUNG: Excuse me I know a question is pending. Come outside.

(Whereupon, a discussion was held off the record outside of the room.)

MS. SHERVEN: Note my objection for the record that the Witness and his attorney left the room while a question was pending.

Q. Now, that you've had time to consult with your attorney, would you like to change your testimony in any way concerning the previous question?

MR. YOUNG: Or add to your testimony.

A. Yes.

Q. What would you like to add or change?

A. Well, I remember now that where I get my information.

Q. Okay. Where did you get your information?

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M. GOMEZ

A. Well, my friend told me about it.

Q. Which friend?

A. Joe.

Q. What's Joe's last name?

A. Cotarelo C-O-T-A-R-E-L-O.

Q. Is Mr. Cotarelo employed by the Sleepy Hollow Police Department?

A. Yes.

Q. Is he presently employed as far as you know?

A. Yes.

Q. And he was as of the time you learned this information?

A. Yes.

Q. How do you know Mr. Cotarelo?

A. Well, we grew up together.

Q. What did Mr. Cotarelo or Officer Cotarelo tell you about this incident involving Chief Warren?

A. He just told me a story about as to what happened.

Q. That would be essentially what you had told us earlier?

M. GOMEZ

A. The incident in the parking lot?

Q. The incident in the parking lot.

A. Yes.

Q. Do you believe that there is some connection between this incident and from what you said earlier Detective Quinoy being promoted?

A. Yes, definitely. And it's quite a few more incidents.

Q. We're just talking about this one right now. I'll followup with other incidents.

A. Okay.

Q. Why do you believe that this incident has any connection to Detective Quinoy being promoted?

A. Well, I believe in my opinion, and I don't know what type of one hand washes the other is --

Q. Regarding a promotion, are you referring from police officer to detective or something else?

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M. GOMEZ

A. Yes, from police officer to detective. And quite a few more other things that happened then.

Q. What are these other things that happened? Again, we're talking specifically --

A. About Jimmy Warren.

Q. -- so, we don't go too far off left field here, as you to what you believe Chief Warren did wrong as to why he's personally named in this lawsuit, okay.

A. Okay.

Q. What other incidents are you referring to?

A. I'm referring to the incident of the -- there was a lady in Sleepy Hollow that went wrote a statement and gave it to Chief Warren and the detective, and Chief Warren was aware about Quinoy, Detective Quinoy sexually harassing her, and he never did anything about it, okay.

After the lady made the threat that she was going to come to the County, I guess he talked to Quinoy and Quinoy

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M. GOMEZ

1 stopped.

2 Q. Are you finished with that

3 incident? Were you just going to move onto

4 something else.

5 A. No. I'm finished with that

6 incident.

7 Q. I'm going to stop after each

8 incident, okay. That way I can make sure

9 that we have all the information that we

10 need. Who is this woman that you're

11 referring to?

12 A. Her name was -- well, she

13 passed away, you know. She was very fairly

14 young, and about a year ago, a year and a

15 half ago. This incident happened two, three

16 years ago.

17 Q. This incident that you're

18 talking about involving a woman in Sleepy

19 Hollow happened two or three years ago?

20 A. Yes, three or four years ago I

21 would say, you know.

22 Q. What was that woman's name?

23 A. Anna I believe it's Barreo

24 B-A-R-R-E-O, something like -- I'm pretty

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M. GOMEZ

1 sure it's that way. There has been quite a

2 few other arrests and excessive use of

3 force.

4 MR. YOUNG: We'll get to it.

5 One at a time.

6 Q. How did you learn this

7 information involving this woman Ms. Barreo?

8 A. Oh, that was from one of the

9 guys. She was from the Dominican Republic.

10 And one of the guys then was my friend, and

11 when I go by Beekman Avenue, there's a lot

12 of people live there from the Dominican

13 Republic, I came to know that information.

14 Q. So, you learned this from a

15 friend?

16 A. Yes.

17 Q. Who's from the Dominican

18 Republic, the same as Miss Barreo?

19 A. Yes.

20 Q. How does this incident that

21 you're describing with Detective Quinoy and

22 Miss Barreo relate to your case?

23 A. It relates that when Detective

24 Quinoy. There was also --

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M. GOMEZ

1 MR. YOUNG: Forget all the

2 other stuff. How do you think --

3 this is not really a question for

4 you. It's a question for me. But

5 since she's asking you it, I'll let

6 you answer it. How do you think

7 that's relevant to your claim?

8 A. I think all these things that

9 have been going on Chief Warren covering it

10 for Detective Quinoy has allowed Detective

11 Quinoy to do his job with impunity, and do

12 whatever he wants around the Village with

13 nothing, no question being asked. And

14 that's the reason that I think Jimmy Warren

15 is very responsible for everything that has

16 been going. Not only with my incident, with

17 a lot of other incidents in the Village of

18 Sleepy Hollow.

19 Q. What other incidents are you

20 referring to?

21 A. There was a case when different

22 arrests. He falsely arrest a guy. The guy

23 got -- beat the case. Got cut loose. And a

24 couple of months down the line, he waited.

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M. GOMEZ

1 The guy got into some problems with two of

2 the guys from Greenburgh. He let the other

3 two guys from Greenburgh go, and he arrested

4 him to get back at him.

5 Q. Let me stop you there. Who is

6 the he that you're referring to?

7 A. I left my --

8 MR. YOUNG: We can leave a

9 blank in the transcript.

10 A. Yeah.

11 Q. You mean. I'm confused because

12 you were saying "he". Were you referring to

13 --

14 A. -- the guy who was falsely

15 arrested.

16 Q. Do you know the individual's

17 name who you're saying was falsely arrested?

18 A. Yes. I just didn't bring it

19 with me. I just didn't know that this was

20 going to come out.

21 Q. We'll leave a blank in the

22 transcript then for you to fill in that

23 information?

24 A. _____

M. GOMEZ

Q. Who was the police officer that you believe falsely arrested this man?

A. Oh, Detective Quinoy.

Q. How did you learn this information?

A. Also from people after this incident happened, a lot of people had come forward in the Village. Nothing to do with the Sleepy Hollow Police Department, and they had given me the information that I know here's what happened. Here's what I know, and they are willing to come forward and give this side of the story, also.

Q. When did you learn this information?

A. Well, about six, seven months ago, eight months ago. It's been a while ago.

Q. It was sometime after you were arrested?

A. Yes. Everything is mainly after.

Q. Who are these individuals that you're saying are willing to come forward?

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M. GOMEZ

A. Well, their people that I'm going to give you names, right.

Q. Yes. The individuals, what are their names?

A. There was another case --

Q. No. I'm asking you specifically what were these individuals that you had said are willing to come forward, what are their names?

MR. YOUNG: Are these the victims talking about that are willing to come forward?

Q. I believe my understanding was that you just said that these individuals who were willing to come forward, that these were people that were aware of these false arrests incidents that you were just telling us about, right?

A. Yes.

Q. But you don't know any of those individuals who you say are willing to come forward? You don't know their names?

A. Oh, the guy, he came forward and told me that. I'm not really a personal

M. GOMEZ

friend of his, you know. And the other guy who got arrested and Quinoy broke his wrist.

Q. I'm going to stop you there.

We're going to come back to that. But we're talking about just this incident or this thing that you've been telling us about involving a man, whose name you don't remember and Detective Quinoy.

Are there individuals who saw something that and that are willing to come forward about that man?

A. Wait a minute.

Q. You said earlier that there were individuals who were willing to come forward. Are you talking about people who have had their own involvement with Detective Quinoy?

A. Yes.

Q. Or let me finish my question, or you talking about individuals who witnessed something specific concerning this arrest that you've just told us about?

A. Both. People had prior incidents with Detective Quinoy.

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M. GOMEZ

Q. We're going to come back to that. Who are those people that you say were witnesses to this specific incident involving the man whose name you don't remember, who you said was falsely arrested and Detective Quinoy.

A. Debra Lynn was one.

Q. I'm sorry?

A. Debra Lynn.

Q. Do you know how to spell her name?

A. Debra D-E-B-R-A. Lynn is L-Y-N-N.

Q. Where does she live?

A. She was she had a dance studio across the street. She's the one that made the statement.

Q. Does she live or work in Sleepy Hollow?

A. Yes. Yes.

Q. Do you know the address?

A. Actually, she moved because it was a fire in the building. It's been over a year, you know.

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1 M. GOMEZ

2 MR. YOUNG: Let me interject
3 here. You're not following it
because this Debra Lynn was a witness
to Mario's assault, not this other
6 fellow you're thinking about.

7 MS. SHERVEN: For the record
8 obviously, Counsel's interjecting
9 because he has knowledge to this.

10 Q. I'm just going to ask Mr.
11 Gomez, please, I'm just asking you right now
12 witnesses to this other incident that you
13 described to us.

14 MR. YOUNG: The Greenburgh
15 false arrest deal.

16 Q. Just that. Nothing else.

17 A. To the other guy the false
18 arrest. No. No. The guy who wanted to be
19 witnesses was him. He wanted to come
20 forward and be as a witness. That he also
21 had a problem with Detective Quinoy, and he
22 was willing to give his side of the story.

23 Q. Did anyone else tell you that
24 they were a witness to his involvement and
25 if they were willing to come forward about

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1 M. GOMEZ

2 that?

3 A. Oh, no, no, no. I
4 misunderstood completely. I thought you
5 were saying the whole thing.

6 MR. YOUNG: Well, that's the
7 way the question was asked, but,
8 okay.

9 Q. Because you brought up Debra
10 Lynn, and this didn't have anything to do
11 with this other gentleman and Detective
12 Quinoy, what exactly is Deborah Lynn a
13 witness to?

14 A. Debra Lynn is a witness to that
15 she actually made a statement to Lieutenant
16 Barry Campbell when he was doing his
17 investigation, that she saw Detective Quinoy
18 kick me in the face while I was sitting down
19 cuffed behind my back inside the patrol car.

20 Q. How did you learn that she was
a witness?

22 A. My criminal court attorney told
23 me, and I don't know.

24 Q. Was that Angel Perez or someone
25 else?

1 M. GOMEZ

2 A. I think it was Angel Perez. I
3 know that for a very long time. You know,
4 Counsel --

5 MR. YOUNG: -- hold on. Hold
6 on. Just stick to the question. How
7 did you know that, and you gave your
8 answer.

9 Q. Have you spoken with Miss Lynn
10 about what she allegedly witnessed?

11 A. No.

12 Q. Had anyone else come forward
13 either to you personally, a family member,
14 or any of your attorneys to say that they
15 were a witness to the events surrounding
16 your arrest?

17 MR. YOUNG: He may not know
18 what I'm privy to. Go ahead.

19 MS. SHERVEN: Obviously, this
20 is all based on his knowledge.

21 A. There was a lady that lives
22 right across the street, and her name is
23 Rosa Negron, and her daughter also saw the
24 incident. I can't remember her name. And I
25 remembered after I came out of the jail, I

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1 M. GOMEZ

2 was walking around with my wife going to a
3 doctor's appointment and we saw her. And
4 she said anything that you need, I saw
5 everything that happened.

6 And come to find out that about
7 three months down the line, my wife saw her
8 again, and she said, are you ready because
9 it's getting ready? She said, no, I'm
10 sorry. I'm not allowed to. I can't talk to
11 you anymore.

12 And is from what I heard her
13 uncle or one of her daughter had a problem
14 with Detective Quinoy. And after they find
15 out that she came forward, and she wanted to
16 testify on my behalf. Somebody in the
17 Sleepy Hollow Police Department must have
18 said something to her and scare her, and now
19 she's completely they don't want anything to
20 do with it either. She already spoke to my
21 attorney Angel Perez.

22 MS. SHERVEN: I move to strike
23 the portion that's nonresponsive to
24 the question.

25 Q. Did Miss Negron ever tell you

M. GOMEZ

1 that someone has spoken to her or influenced
2 her decision not to give information?

A. She told me actually that one
3 time that I spoke to her that she didn't
4 want to get involved, but I think she told
5 my attorney, yes, that she had spoken to
6 Detective Quinoy.

Q. Which attorney did she tell
7 that to, a criminal attorney or someone
8 else?

A. No, the criminal attorney, yes.

Q. With Mr. Perez or the attorney
9 before him?

A. I think it was Mr. Perez,
10 because I already knew that for a very long
11 time that she started changing her mind.

Q. Anyone else tell you or any
12 member of your family or your attorney so
13 that you learned that someone else said that
14 they were a witness to the events
15 surrounding your arrest?

A. To the events. Well, my
16 daughter had made a statement that during
17 the time that I was in the cell, and my wife

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M. GOMEZ

1 was getting arrested, she was communicating
2 on the cell phone with Detective Quinoy.

Q. I'm going to stop you there,
3 because I'm asking you about any witnesses
4 to the events 'cause your daughter wasn't
5 there during that time, correct.

MR. YOUNG: No, but you may
6 just want to listen to what he just
7 said.

MS. SHERVEN: I want to get
8 responsive answers to my questions.

Q. You're referring to when you
9 said your daughter, you're referring to
10 Haydee?

A. Yes.

Q. Was Haydee present at all
11 during the events surrounding your arrest?

A. No. She came back to it.

Q. We'll come back to Haydee, but
12 has anyone else told you or do you now know
13 that anyone else was a witness to the events
14 surrounding your arrest?

MR. YOUNG: Mind you, are you
15 talking about an eye witness?

M. GOMEZ

MS. SHERVEN: An eyewitness or
2 anyone who may have seen or heard --

A. Yes, I got.

Q. -- to the incident?

MR. YOUNG: The assault not
3 what happened.

A. I went to the incident.

Q. I'm going to stop you. Because
4 I'm going to ask the question, because
5 Counsel has injected into my question.

Has anyone told you that they
6 either saw or heard the events surrounding
7 your arrest on October 17, 2006, other than
8 the two people, possibly three if you
9 include the women's daughter, other than
10 those three people, has anyone else told
11 you?

A. Yes.

Q. Who else?

A. James Hayes.

Q. I'm sorry, what's the person's
12 name?

A. James, Jimmy Hayes and Danny
13 Hayes, Daniel Hayes.

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M. GOMEZ

Q. Are they related in some way to
1 Officer Hayes and Lieutenant Hayes?

A. Yes, brothers. Brothers to
2 Michael Hayes. I mean Mike Hayes.

Q. And their father is also
3 Lieutenant Gabriel Hayes?

A. Yes.

Q. Are they police officers?

A. No. One is the Ambulance Chief
4 and the other one is Assistant Fire Chief.
5 And what happened is the police station is
6 here.

Q. Okay, I'm going to stop you
7 there, because I haven't asked you anything
8 than what their jobs are essentially.

A. Okay.

Q. What did James Hayes tell you
9 that he either witnessed or?

A. Well, he didn't see it from the
10 start. He didn't witness it from the
11 beginning for who threw the first blow or
12 anything. He didn't see that. But he saw
13 when I was on the ground, when I was getting
14 kicked in the head, and when I was tased.

M. GOMEZ

Q. Did he tell you that personally, or did someone else relay that information to you?

A. No. He told me that personally. He told also my criminal court attorney.

MR. YOUNG: You've answered the question.

Q. Did James Hayes say anything else to you or to your attorney about the events other than what you've just told us?

A. What do you mean about other events?

Q. Did he say anything else about this, about what he may have seen or heard?

A. No. He just say that he saw, at least, three-quarters.

Q. What about Danny Hayes? What did he tell you he saw or heard?

A. Basically the same thing as his brother.

Q. Were they together; if you know?

A. That's what I was trying to

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M. GOMEZ

explain to you before. The police station is here, and right next to it is the fire station, and right next to it is the ambulance corps right in the same street. So, there were all within walking distance.

Q. Other than the individuals you've just told us about, anyone else come forward and told you or anyone on your behalf that they were witnesses to the actual events?

A. No, not that I can remember, no.

Q. So, the only witnesses that you're aware of are Debra Lynn, Rosa Negron, possibly her daughter?

A. And her daughter was also there. She definitely saw it.

Q. But you don't recall her daughter's name, right?

A. No, I can't remember right now.

MS. SHERVEN: If we leave a blank in the transcript, can you fill in the name of Rosa Negron's daughter.

M. GOMEZ

A. Yes, I have it written down.

MR. YOUNG: By the way, these are in our recent discovery.

Q. You just mentioned that you have it written down, do you have diary or something that you maintain?

A. No. No.

Q. Where do you have this written?

A. Where I live at.

Q. In a notebook?

A. No, basically in papers. I started writing notes and I keep it, and I got a folder.

MS. SHERVEN: I'm going to call for production of any handwritten notes. I believe they're encompassed in our demand, our interrogatories and demand for documents.

MR. YOUNG: I'm going to ask you to be specific here, because I don't think you're entitled to any private notes.

MS. SHERVEN: From what he said

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M. GOMEZ

so far, this does not raise any privilege, so I believe the demand speaks for itself. I believe we are entitled to it.

A. Well, Counsel --

MR. YOUNG: -- no. No. No.

No. Stop.

Q. Any other witnesses other than who we've already talked about to these events, Debra Lynn, Rosa Negron, and her daughter, James Hayes or Danny Hayes, anyone else tell you or anyone on your behalf that they were a witness?

A. No, no, not that I can recall.

Q. Now, you testified earlier that Haydee came to the police station at some point in time; is that right?

A. Yes.

Q. Did you speak with her?

A. At that time?

Q. At that time.

A. No.

Q. Did your wife speak to her; if you know?

M. GOMEZ

1

2 A. Yes.

3 Q. Do you know what they spoke
about?

4 A. I have no idea.

5 Q. At some point in time did you
6 learn that Haydee had conversations with
7 Detective Quinoy while she was at the police
8 station?

9 A. Yes.

10 Q. What was that?

11 A. When -- because after the
12 arrest, my wife didn't get arrested at the
13 same time, and she went -- was arrested and
14 took me to the hospital. And she at that
15 time she called my daughter and her cousin
16 had took her to the hospital to get
17 treatment.

18 Q. Okay. Right now I'm just
19 asking though about that conversation that
20 Haydee may have reported either to yourself
21 or to your wife, the conversation she had
22 with Detective Quinoy?

23 A. She had the conversation when
24 they brought my wife to the hospital, from
25

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M. GOMEZ

1

2 the hospital to the police station to ask
3 about how can she get my car released.

4 At that point, Detective Quinoy
5 came out and arrest my wife. And during
6 that time of the conversation, he was trying
7 to communicate with my daughter on the cell
8 phone. And my wife told him no, the battery
9 is died, so you're not going to be able to
10 talk to her. So, they were actually
11 communicating, because my daughter told me
12 that Detective Quinoy during the time that
13 -- in the beginning of the incident when I
14 was coming down that I was getting dressed
15 and I was coming driving down, Detective
16 Quinoy had called my daughter and told her,
17 listen, I just had an argument with your
18 dad, okay. He's coming down, and somebody's
19 got to teach him a lesson. That was his
20 exact words to my daughter.

21 Q. How do you know that?

22 A. Because my daughter told me.

23 So, my daughter had already knew that I was
24 on my way down to the police station and
25 there was going to be no problems, you know.

M. GOMEZ

1

2 And I was going to be talking to him in a
3 descent manner, never expecting that was
4 going to happen.

5 So, that mean, in my opinion
6 that he had it premeditated that somebody
7 has to teach him a lesson that sounds like
8 aggressive words to me and fighting words.

9 MS. SHERVEN: Move to strike
10 the portions that were not
11 responsive.

12 Q. Right now we're only talking
13 about the conversation that Haydee and
14 Detective Quinoy may have had at the police
15 station, whether it was on the phone or in
16 person.

17 What was the sum and substance
18 of that conversation from what you've since
19 then learned?

20 A. The only conversation that I
21 know or I can't remember now -- she talked
22 to Detective Quinoy on the phone after that
23 whole incident happened, he said, listen, I
24 had to -- what happens I had pushed -- he
25 didn't tell her -- I think I push a little

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M. GOMEZ

1

2 bit your mom against the car. And she said,
3 where is she? She's in the hospital. I
4 mean she's going to go, but I don't know
5 what's going to happen after that. This was
6 before my wife went.

7 There was a point that he said
8 you arresting my mom, and he said, yeah, I
9 have to arrest --

10 Q. -- when you're saying "he", do
11 you mean Haydee?

12 A. No, he, Detective Quinoy.

13 Q. He said you're going to arrest
14 my mom?

15 A. No. My daughter say it in a
16 conversation. I can't remember the exact
17 words, because she told me the story. I
18 don't and I lost it. She said, you
19 arresting my mom? He say, yeah, I have to
20 arrest your mom. And then my daughter said,
21 now, you're really fucked up. She told that
22 to Detective Quinoy.

23 That's pretty much. I'm just
24 telling with different things, you know, a
25 lot of parts that I have been forgetting

M. GOMEZ

1 because the medication that I got me, I'm
2 forgetting a lot of things, Counsel, you
3 know.

Q. Which medication?

A. The Topamax.

Q. You're telling me now, though,
8 that this medication the Topamax is
9 affecting your testimony?

A. No, not at all. I'm straight
11 as an arrow. What I'm saying is sometimes
12 it takes me a little time to put two and two
13 together, to make it four. You know, I got
14 to go around in circles a little bit.

MR. YOUNG: Off the record.

(Whereupon, a discussion was
17 held off the record.)

A. Counsel, I had another incident
19 that where because remember Detective Quinoy
20 was my neighbor, and I had another incident
21 relating to Jimmy Warren and Detective
22 Quinoy relating, the connection.

MR. YOUNG: There's a few more.

She's going to get to that.

Q. Was there anything else about

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2 Haydee with her being a witness at all in
3 this case, other than what you've just told
4 us about?

A. Well, the only thing that I can
6 you is that during the time of the arrest,
7 that was I was already in the cells and my
8 wife was being processed, they were
9 communicating with each other on the cell
10 phone back and forth.

Q. How do you know that they were
12 on the phone? Is this something she told
13 you, or did you learn that from someone
14 else.

A. Yes.

Q. She told you?

A. Yes. She told me, and my wife
18 saw her and finally her battery died down.

Q. Let's go back to the incidents
20 that you began to describe as to why you are
suing Chief Warren?

A. Yes.

Q. You had just started to talk
24 about another incident?

A. Yes.

M. GOMEZ

Q. What was that?

A. There was an incident with
4 Detective Quinoy's wife with the first one
5 she had a fight with another lady on the
6 street on St. Patrick's Day parade. The
7 lady was cut and she was jumped by Quinoy's
8 wife and some of her friends and everything.
9 And Chief Warren talked to the lady, and she
10 retrieved the charges and nothing was done.

Q. Let me stop you there. Do you
12 know when this incident was?

A. About three years ago, three
14 years to four years because -- that's all.

Q. Do you know what the other
16 woman's name is?

A. Quinoy's wife?

Q. No. The other woman?

MR. YOUNG: Who was jumped.

A. Oh, she used to be a dance
21 teacher in YMCA. I forgot her name.

MR. YOUNG: Leave a blank.

Q. Do you know her name?

A. No. No.

Q. Is there anything, if we left a

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2 blank in the transcript, would you be able
3 to fill it in?

A. I'll try to get it. I don't
5 know if I have it. I know she was a
6 teacher, a dance teacher in the YMCA for
7 quite a while. I don't know if she's still
8 there. I don't know.

Q. Just so I'm understanding you,
11 is it your belief that this woman pressed
12 charges on a police report against Detective
13 Quinoy's wife?

A. Yes.

Q. Do you know what happened to
16 that police report?

A. No, but I guess Chief Warren
18 talked to the lady, and she dropped
19 everything, and everything was squashed.

Q. Was Detective Quinoy's wife
21 arrested?

A. No.

Q. As far as you know, there had
24 been a Complaint?

A. Yes.

M. GOMEZ

Q. But she had not been arrested?

A. Right.

Q. What leads you to believe that Chief Warren spoke to this other woman?

A. I don't have anything to confirm on that, but it couldn't have be anybody else except him, because you know I'm trying to put two and two together here. You know, with everything that's related to Detective Quinoy.

Q. This is your suspicion?

A. Yes.

Q. No one specifically told you that Chief Warren influenced this woman to drop the charges?

A. No.

Q. Now, you started to go onto another incident?

A. Yes.

Q. What is that?

A. That was during the time that he was my neighbor. He moved out from where I lived at about four years ago, no, three years ago. And his wife was going to

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Westchester Community College, and she was talking to somebody else or something must have happened. Detective Quinoy got upset about it. Got mad, and they had a lot of family disputes and a lot of family -- what do you call when the police come to the house?

MR. YOUNG: Domestic issues.

A. Domestic issues, yes.

MS. SHERVEN: I'm going to object, though, to Counsel giving the witness any --

A. Domestic violence.

MS. SHERVEN: -- any added testimony, just based on your recollection.

A. No, I'm trying to come out with the right words, Counsel, because I don't want to throw any, you know, no good words in the testimony.

He had a lot of domestic issues and a lot of domestic violence during the time that he was my neighbor, because I know that for a fact.

M. GOMEZ

Now, the incident I'm trying to get to. His wife was going to Westchester Community College. He got upset. He got jealous, and put the gun on his wife's head. His wife went to the Police Chief herself, and made out a complaint okay. And this was investigated by the County Police.

Q. How did you learn this information?

A. From people on the streets. I mean you got a lot of people that talking, you know, people on the streets.

Q. Who did Detective Quinoy's wife supposedly report this incident to?

A. To Chief Warren.

Q. Chief Warren?

A. Yes.

Q. Okay. When was this approximately?

A. Oh, at about everything is around three years, four years, two years, three years ago, three, three years ago, three or four years ago.

Q. Now, you said that the County

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investigated?

A. Yes.

Q. Do you know what the results were?

A. I have no idea. It was swept under the table, under the rug also by Chief Warren.

Q. What leads you to believe that the Chief swept something under the rug in the way that you just testified?

A. Counselor, I don't think that just because he's a detective or a police officer that he had the right because he's in a jealous rage to put a gun on your wife's head.

I think that's something that he could have been reprimanded or he could get suspended from being off duty or.

Q. Do you have any evidence that the Chief swept this under the rug?

A. I don't have any evidence factual evidence, written papers.

Q. Or someone who told you that, any evidence?

M. GOMEZ

A. The evidence is that you can check that yourself, because the County Police investigated, there has to be an entry on the County. And when they come up and the County Police came to the Sleepy Hollow Police Department.

Q. I'm going to stop you, because you're not answering my question. Do you have any evidence, though, that the Chief was somehow involved in some coverup in this incident, or is this just your suspension?

A. Well, I don't have any actual factual evidence, but I know that the only one that can make that determination to letting an officer continue working in the department after he makes such, you know, such a daily, you know, the putting the gun on the wife's head and threatening to kill her if she continues talking to that other guy, that's against the law.

MR. YOUNG: All right. All right. Look, they can draw their own conclusions. You've drawn those. Next question.

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Q. Are there any other incidents that you believe shows why Chief Warren is named in this lawsuit, or that he did something wrong?

A. There's another incident that he failed to supervise, I got the cuttings -- well, it just came out in the Journal News. There was a police officer in Sleepy Hollow who was little bit of a loose cannon, and he got in problems. He got a transfer. He put a transfer to Mount Vernon.

During the time that he was in Sleepy Hollow, he got in a family domestic violence with his wife. The Family Court Judge issued an order to take his gun away until everything be resolved.

Chief Brown determined --

Q. I'm sorry. You're saying Chief Brown.

A. I mean not Chief Brown.

Q. Because Chief Brown is the Chief of Tarrytown, right?

A. I'm sorry.

MR. YOUNG: That's correct.

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Q. So, you're not referring to Chief Brown?

A. No, no, of course, not.

Q. Who are you referring to?

A. Chief Warren. Jimmy Warren, yes.

Q. I didn't mean to interrupt you. I wanted to make sure the record is clear about who you're talking about.

A. Chief Jimmy Warren or James Warren, he's the officer in my town, and he's my friend, so I'm going to continue to allow him to carry that personal firearm.

That officer went to one of the restaurants in Hawthorne, or I forgot the name of the town. I know it's a little bit upstate. Got into a dispute with the manager of the restaurant and pulled a gun out on the manager.

The officer just got arrested for breaking somebody's jaw in Sleepy Hollow, because he lives in Sleepy Hollow, because after he cuffed the guy, he continued beating the guy down, because the

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guy disrespected his daughter.

Q. Are you talking about the same police officer during these incidents?

A. Yeah. The same police officer that pulled the gun on the restaurant owner, he had got arrested recently because cuffed the other guy and knock him to the ground, and then broke his jaw, because the guy was saying some bad words to his daughter and disrespecting his daughter.

Because even though he works for Mount Vernon, he still lives in Sleepy Hollow. He's a personal friend of Chief Warren.

Q. Do you know this police officer's name?

A. I don't have -- I can't remember now. I got that article, and I got his name.

MS. SHERVEN: Okay. I'm going to ask that we leave a blank, and we'll call for his name, and we'll call for the production of these newspapers articles that you're

1 M. GOMEZ
2 referring to.
3 A. _____
4 Q. When was this, by the way?
5 A. At the restaurant that officer
6 had was issued an order by the Family Court
7 Order to take his gun away.
8 Q. When was that?
9 A. I have no idea, but that was
10 prior. That's when he was a police officer
11 in Sleepy Hollow.
12 Q. Now, did you learn this
13 information from the newspaper article or
14 some other source?
15 A. From some other source I think,
16 but it was also in the newspaper article.
17 Q. Who was this other source where
18 you learned --
19 A. -- friends, friends, I don't
20 remember the name. Except no police officer
21 You meet so many people on the streets that
22 I --
23 Q. Are there any other incidents
24 that for which you believe that Chief Warren
25 did something wrong and is being sued in

1 M. GOMEZ
2 this case?
3 MR. YOUNG: May I remind him?
4 I mean you can find out now or later.
5 MS. SHERVEN: No, obviously,
6 we'll have interrogatories. This is
7 based on his.
8 A. It's a lot of things that I
9 forget, Counselor, and he knows.
10 MR. YOUNG: You don't want to
11 know about them, that's fine. I'm
12 giving you an offer right now that
13 obviously the medical records
14 indicate that Mario as a result of
15 this, has some memory issues. I am
16 aware of other incidents. If you
17 don't want me to tell them to you, I
18 won't.
19 MS. SHERVEN: Counselor, are
20 these incidents that Mario has told
21 you about that you believe that he
22 has forgotten?
23 MR. YOUNG: Apparently, yes.
24 MS. SHERVEN: How many other
25 incidents are you relating to.

1 M. GOMEZ
2 MR. YOUNG: Well, I can tell
3 you there are at least two other
4 ones, and each one I can mention one
5 word, and it will probably refresh
6 his recollection.
7 MS. SHERVEN: I mean I want to
8 keep this clear, because this is not
9 typically how depositions are
10 conducted.
11 MR. YOUNG: I understand.
12 MS. SHERVEN: However, I do
13 want to know all of the reasons, Mr.
14 Gomez, for why you are suing Chief
15 Warren individually, because we're
16 not talking just about the Police
17 Department, here. We're talking
18 about these people as individuals.
19 MR. YOUNG: There are three
20 other individuals.
21 MS. SHERVEN: So, if your
22 Counsel can say in very brief terms.
23 MR. YOUNG: One word on each
24 one. No. 1, barber shop.
25 A. Oh, yes. There was another

1 M. GOMEZ
2 incident in the barber shop that Detective
3 Quinoy went in with a couple of police
4 officers. And he arrested and he destroyed
5 the barber shop because he was cutting hair
6 without a license.
7 Q. Is the proprietor of the store
8 or the barber shop?
9 A. Right. And he destroyed
10 everything, the mirror's was pushed. The
11 guy dislocated his shoulder. The guy didn't
12 want to pursue the charges. He talked to
13 Jimmy Warren.
14 Q. Let me stop you there. Who are
15 you referring to this time that destroyed
16 the mirrors?
17 A. Detective Quinoy.
18 Q. You can continue.
19 A. And he dislocated his shoulder
20 and everything. Also, when he fill out the
21 arrest report, he didn't put his name down.
22 He got the other police officer to put down
23 that he had done everything and everything,
24 you know. That was -- you know, Jimmy
25 Warren was aware of that.

M. GOMEZ

Q. When did this happen?

A. This happened recently about a year, a year.

Q. How did you learn this?

A. Because my friends told me. That did not make the papers, because they got the guy who got his elbow dislocated, I don't know. I guess he didn't want to make any problems. He talked to Jimmy Warren. Everything was completely, you know, taken care.

Q. Who were the friends that told you this?

A. I had so many friends, Counsel, that told me. People that I don't even know the name. I'm having a lot of memory issues seriously. People come forward. They talk to me. Don't worry. Call me. And then if I don't write the names, I forgot who the number belongs to.

Q. Do you remember the name of any of the individuals who told you this information about this incident?

A. No.

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Q. Do you know the name of the barber shop proprietor?

A. One of the guys that knew about it was my wife's attorney, because she was the one that told Awilda, and she told my wife about it.

Q. Which of your wife's attorneys?

A. Janet.

Q. The criminal attorney?

A. Yeah, the criminal, right.

Q. Anybody else, do you remember any of their names who told you this information or told your wife?

A. Oh, no, that's about it.

Q. What is the name of this man who owned the barber shop?

A. I have no idea.

Q. Do you know the name of the barber shop?

A. No. I just drive around.

Q. Do you know where it's located?

A. It's in Sleepy Hollow.

Q. Can you tell me the street?

A. In Cortlandt Street.

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Q. Do you remember any other incidents?

A. Yes.

Q. Go ahead.

A. His name is Juni Torres.

Q. Juni?

A. Juni, yes, or something. He was a Village employee of Sleepy Hollow worked in the sanitation department, got into a problem with Detective Quinoy. Because he took the stop sign a little bit, and Detective Quinoy pull him over. And I don't know what words were exchanged. He cuffed him, and he broke his elbow and his wrist while he was cuffing him behind his back.

So, the guy lost his job due to that, because you can't be arrested and be a Village employee at the same time, and he put a lawsuit on Sleepy Hollow.

Q. When was this?

A. That's recently also, a year and a half, two years.

Q. Before or after your arrest?

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A. No, a little bit before, not that long before, a little bit six, seven months before mine.

Q. How did you learn of this incident?

A. Oh, because I think he contacted me, that guy. After that, I never spoke to him again. And call me anytime you need something, but I never call him back.

MR. YOUNG: Off the record.

(Off-the-record discussion.)

Q. By the way, going back to the barber shop incident that you told us about, what leads you to believe that Chief Warren was aware of that incident or had any involvement in it?

A. Chief Warren is aware. It's a small Village. It's a small Police Department, and Chief Warren is aware of any arrests that is being made in that department.

Q. Has anyone told you that he had any involvement?

A. Chief Warren?

M. GOMEZ

Q. Yes. Has anyone told you that Chief Warren had any involvement?

A. No, not really.

Q. What about in this incident with Mr. Torres; do you know what Chief Warren's involvement was, if any?

A. Well, it all started from the beginning, Counselor. By me saying that Chief Warren let Detective Quinoy do his job without impunity, without answering to anybody except him. Detective Quinoy is just it's a loose cannon. He pulled the gun on his wife head, nothing's done about it. He runs with absolute power in the Village. He doesn't have to answer to anybody.

That's what leads to me from the Chief. If the Chief allows you to do all those different actions, you know, there's no repercussions about it, that you can do whatever you want. You have nobody to put you in check. And that's what it leads to me, that everything has to do with Jimmy Warren. And I have another incident --

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Q. -- I'm going to stop you before you go onto any other incident. Do you have any specific evidence, though, of the Chief's involvement in this incident?

A. I have the specific evidence of -- there was a written letter given by Anna Barreo, the lady who passed away of Detective Quinoy being sexually harassed.

MR. YOUNG: No, she's talking about the barber shop.

A. Oh, no.

Q. You were going to go onto another incident.

A. Yes.

Q. What was that?

A. This recently happened after my incident. It happened August. And there was a sixteen-year old kid riding a bicycle in Sleepy Hollow in Cortlandt Street. And Detective Quinoy tell him to stop because he wanted to check that he had the right paperwork for his bicycle.

So, the kid, he's about fifteen or sixteen, he said, oh, no, this is my

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bike, and he started riding away, and he started cursing. So, Detective Quinoy and the police officer, which I don't remember his name. He's the one that transported me to the jail. Chase him down the street and knock him down, and Detective Quinoy order that, order the police officer to tase him. They tase the kid. They arrested him.

Then him being a minor, they have to give him medical treatment. There was a lot of commotion, a lot of the people in the street and Hispanic people. So, there was a big crowd in the street, and they were telling Quinoy, we know what happened. We know what you did.

And the Chief of Police came, Chief Warren. And the ambulance corps came, which is Jimmy Hayes, okay. And when Jimmy Hayes got there and Jimmy Hayes told Jimmy Warren we need this guy. He's a minor. We use a taser on him. We have to do a medical treatment.

Jimmy Warren said, this guy don't need to go anywhere except inside my

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cell, okay. And then he was blaming, when they started the investigation in the newspaper, he was blaming the Chief of the ambulance corps, which is James Hayes that he refused to take the kid to the hospital. And James Hayes said, no, you told me that this kid is not going anywhere. Where you need to take him is to my cell.

So, they put him in the ambulance to calm down the people who was in the street. They drove him around the block, took him to back of the police station. Detective Quinoy got in the ambulance and took those little spikes himself. When you got shot with the electric gun, that goes into your skin. And then they have to remove that with a pin setter. And Quinoy was the one that went and told the kid bend over, and with his hands took that out with his hands himself.

Q. Did you personally see any of this?

A. Oh, no, that was in the newspaper.

M. GOMEZ

Q. Other than reading it in the newspaper, do you learn any information from any other source?

A. No. No. No.

MR. YOUNG: Wait, let me just ask you a question.

(Whereupon, a discussion was held off the record.)

A. I had something else to add to that incident, Counsel, if you want.

Q. What did you have to add after speaking with your attorney?

A. That the kid's mother had a problem with Detective Quinoy also four years before that.

Q. How do you know this?

A. Because she goes to -- whenever we got Criminal Court, she goes to the courtroom and she talks to my wife.

Q. This is this sixteen-year old boy's mother?

A. Yes.

Q. Do you know her name?

A. No. I can't remember her name.

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She told me about three or four times already, you know.

Q. If we leave a blank in the transcript, would you be able to fill in her name?

A. Sure.

And Quinoy was making a little bit of sexual advances on her, and she also stated to my wife that she went to the Police Department and put a complaint in. What happened after that, I have no idea. And all this is during the time that James, Jimmy Warren is a Police Chief.

Q. Any other reasons why you are suing Chief Warren other than what you've already told us about?

A. I'm suing Chief Warren for all those reasons, and also for him. Actually, I don't know if I should say that right word, not being honest with the evidence in trying to not doing the job that required of him as a Police Chief. And seeing because the Police Department is to serve and

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protect the community. Not to kill and destroy the community. And he's covering up for Detective Quinoy up to the point that he's unbelievably tremendous with all these incidents. And that's the reason that I feel very strongly that he should be one of the main ones, one of ones on the top of the list in my opinion.

MR. YOUNG: Okay.

A. And --

Q. -- I haven't asked you a question at this point, okay.

A. Okay, I'm sorry.

Q. You said a minute ago and we can read back the testimony if I'm not recalling it correctly, that one of the reasons you were suing Chief Warren was for not being honest with the evidence; do you remember saying that?

A. Yes.

Q. What evidence were you referring to or what incident? Basically what I'm asking you, are you referring to something with your case or something not

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related to your case?

A. Well, with my case in him covering everything up from the rest of the cases.

Q. What do you believe that Chief Warren has covered up in your case?

A. I had no specific proof that it was him, because the one that was assigned to the investigation was Lieutenant Barry Campbell, and I highly doubt that Lieutenant Barry Campbell is going to take a person who's going to give testimony out of his list.

The bottom line is Debra Lynn made a statement, and when my Criminal Court day that open findings the discovery about the witnesses that were there, that name should have been there. That name did not appear at all. I don't think that would have been able to be due process. That wouldn't have been able to be done without his approval in my opinion.

Q. But do you know that this person's name was left out intentionally

M. GOMEZ

1 rather than by mistake?

2 A. Oh, of course, it had to be
3 intentionally, Counsel. The same thing with
4 the videotapes.

5 Q. What are you referring to with
6 the videotapes?

7 A. The videotapes were in front of
8 the Police Department are blurry. They
9 don't appear. You know, there should be
10 some videotapes from in front of the
11 building of the Police Department.

12 Q. Have you seen any video of this
13 incident?

14 A. No.

15 Q. What leads you to believe then
16 that if there is a video that it is, in
17 fact, blurry?

18 A. I'm referring to -- by the way,
19 the case was pushed out of Sleepy Hollow to
20 Greenburgh, and they didn't want it in
21 Sleepy Hollow, my case.

22 MS. SHERVEN: I move to strike.

23 A. I didn't say -- I'm sorry.

24 Q. Okay, we're talking just about
25

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1 the video now.

2 A. Okay. The video, my wife's
3 lawyer and my criminal court attorney made a
4 --

5 MR. YOUNG: -- let's not talk
6 about what the other attorneys are
7 saying. That's privileged.

8 THE WITNESS: Okay.

9 Q. You said that you have not seen
10 any video, correct?

11 A. No.

12 Q. Has your wife seen any video?

13 A. No.

14 Q. Without going into details of
15 any conversation if this conversation was,
16 in fact, with your attorney, has anyone told
17 you that video exists but that it is blurry?

18 MR. YOUNG: I don't want you to
19 say anything about what your
20 attorneys told you, nothing.

21 THE WITNESS: Okay.

22 Q. You can answer the question.

23 MR. YOUNG: He can answer the
24 question unless it calls for him
25

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1 imparting some information that was
2 told to him by one of his attorneys.
3 You know that.

4 MS. SHERVEN: Right, I'm not
5 asking. I believe my question was
6 very clear. I said that I'm not
7 seeking any privileged information.

8 MR. YOUNG: Can you answer that
9 question without referring to your
10 attorneys? The question is has
11 anyone told you --

12 THE WITNESS: No, no. What I
13 was going to say about the video it
14 was when my criminal court attorney
15 said --

16 MR. YOUNG: Then don't say
17 anything else.

18 Q. Did anyone else tell you that
19 there is a video, but that it is blurry?

20 MR. YOUNG: Anyone other than
21 attorney.

22 Q. Other than an attorney?

23 A. No.

24 Q. Are there any other reasons why
25

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1 you are personally suing Chief Warren?

2 MR. YOUNG: You just asked me
3 one before.

4 MS. SHERVEN: Just not my
5 objection to Counsel reminding the
6 Witness.

7 MR. YOUNG: This is going to
8 come out as a surprise at trial. I
9 think I'm doing you a favor.

10 A. Also, they had to do with
11 everything that's going on in the Village.
12 There was an elections. That's why Sleepy
13 Hollow lost the privilege to do their own
14 elections. They got have County Inspectors
15 now. They had the Chief of Police counting
16 the votes. And he was on television. And
17 the machines -- they were tearing up the
18 paper, because he's very good friends with
19 the Mayor now.

20 So, what happens is they find
21 that when you have to present to the County,
22 that ballot was destroyed. Also, the
23 absentee ballots of the person who was
24 running against the Mayor now who's very
25

M. GOMEZ

close friends with Jimmy, and they found it in the garbage. In the meantime, they opened for the Mayor, but the other ones you would find them in the garbage unopened. They means they got disregarded.

Going back to the Mayor and the Police Chief, there was an arrest made in one of the parties, and teenagers, eighteen, twenty, twenty-one.

And so they would find -- the police came, Sleepy Hollow. They found drugs marijuana, cocaine. When they arrested the kids, they said who brought the drugs? Mayor Cicherelli's son. Okay, nothing was done to the kid. The son of the Mayor was not arrested, and he was not properly charged. He was not even brought in to being questioned. They found a lot of cocaine, a lot of marijuana. The other kids were arrested. I don't think that's fair. Jimmy Warren's definitely. Would his connection with the Mayor have something to do with it.

Q. When is this incident that

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you're referring to?

A. I got the police officer's name who did the investigation. I can't remember now.

Q. If we leave a blank for the police officer who invested this, would you fill it in?

A. Yes. Yes.

Q. Is the police officer who you said investigated is he a Sleepy Hollow Police Department?

A. No. This is all Sleepy Hollow, No, this is all Sleepy Hollow, yes.

Q. When was this incident that you were just telling us about?

A. I got it written down. Probably a year, a year and a half. I have it written down.

Q. If we left a blank in the transcript for the approximate date, would that also be something you could fill in.

A. Yes.

M. GOMEZ

Q. When you were mentioning earlier something about a voting machine, when was that?

A. That was in the last election, when Cicherelli was running very closely, and Jimmy Warren the Chief was counting the votes.

Q. Okay. I'm just asking you when.

A. I'm sorry.

Q. How did you learn that information about the voting?

A. Oh, that was in Channel 12 News and in the newspapers, also.

Q. Other than through the news, whether the newspapers or television, did you learn that information from any other source? Anyone tell you about it?

A. No. No.

Q. Now, this incident with the Mayor's son, how did you learn that information?

A. I learn it from a couple of friends.

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Q. Who?

A. I can't remember their names right now.

Q. Were they members of the Police Department?

A. No.

Q. The police officer who's investigating that, have you spoken with him about that incident?

A. No.

Q. Is there any other reasons why you are personally suing Chief Warren?

A. I have the Clerk in Sleepy Hollow made a written formal complaint to the County, who does the investigation in the County -- the District Attorney about his phone being tapped. Jimmy Warren tapping the phones for the -- the phone being tapped.

Q. What does that have to do with your case?

A. No, I'm not saying. Everything that is what I'm making a big thing. The same thing with the FBI investigation that's

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1 going on now. What I'm making a big circle
2 is going around to everything is connected
3 with Jimmy Warren. One things goes back in
4 circles and leads to the other. If he would
5 have done his job properly in my opinion as
6 an Chief and put a stop to that officer, it
7 would have been a lot of all the incidents
8 that could have been avoided. That's what I
9 was referring to. That everything is
10 connected, Counsel.

11 Q. Any other reason why you are
12 personally suing Chief Warren?

13 A. Not that I can remember
14 anymore.

15 Q. You've also named Detective
16 Quinoy --

17 A. Yes.

18 Q. -- in this action? Why do you
19 sue him personally? We're talking again
20 about these individuals as individuals
21 versus suing just the Village of Sleepy
22 Hollow, so why sue him individually?

23 A. Well, I'm suing him
24 individually for what he did to me. What he

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1 also did to -- I don't know if I should put
2 my wife in this?

3 MR. YOUNG: No. That's her
4 claim. Well, actually, you have part
5 of that claim, also, so.

6 A. You know, for not I shouldn't
7 have said. It's not his friends don't have
8 anything to do with it. Because the guy
9 almost killed me, and he failed to do his
10 job properly as a detective, as a police
11 officer. It was unnecessary. It was a
12 tremendous amount of excessive use of force
13 and I got almost killed.

14 Q. Just generally what type of
15 injuries did you sustain as a result of
16 this?

17 MR. YOUNG: This is immunity,
18 go ahead.

19 Q. Let me ask the question another
20 way. You sustained injuries as a result of
21 this?

22 A. Yes.

23 Q. Or you're alleging that you
24 sustained injuries. What injuries are you

M. GOMEZ

1 alleging that Detective Quinoy, himself,
2 personally caused?

3 A. Well, the bashing of my head,
4 the electricity, the punches, being kicked
5 after I was already cuffed, which is
6 definitely against any law enforcement
7 agency. After you get cuffed behind the
8 back, it's over. And for the abuses
9 physically and actually emotionally for me
10 being chased and followed by the Sleepy
11 Hollow Police Department whenever I have to
12 go to Sleepy Hollow. And my daughter being
13 followed late at night. And all these
14 mental -- not mental -- how do you call that
15 -- stress situation that I have been in
16 myself and my family. He's actually
17 responsible for all, everything.

18 Because if he would have talked
19 to me as a person, hey, Mario, come on. We
20 knew each other for a long time. Nothing
21 happened. Don't worry about it. It would
22 have been over. It would have definitely
23 been over, because I was not looking for any
24 problem.

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M. GOMEZ

1 I already knew what was going
2 on with my daughter over a week and a half
3 ago, and I never went to chase him or look
4 for him.

5 MR. YOUNG: Okay, all right.

6 Q. Any other reason why you're
7 suing him individually other than what
8 you've already told us?

9 A. No, that's pretty much it.

10 Q. What about Officer Ebel; why
11 are you suing him personally?

12 A. Ebel just like Quinoy, he
13 almost killed me, and that was after I was
14 already cuffed. They did a very improper
15 arrest. That was not an arrest. That was a
16 gang fight. And the disrespect for me, for
17 my family, not only for me.

18 I identified myself of being a
19 retired law enforcement, and he say fuck
20 this department. This is Sleepy Hollow
21 Police, like, it's supposed to be a high
22 school fight. That's very much a reason
23 why, and he almost killed me.

24 He was just as bad as Detective

M. GOMEZ

Quinoy when it came down electricity and kicking my head, and putting a lot of physical damage in my body.

Q. When you just said damage to your body, what damage to your body are you specifically referring to that Officer Ebel caused?

A. Well, it was basically both damages run together. That Detective Quinoy and Ebel did to me, they did it together. So, I was in crutches. I had to go two or three times to the emergency room due to the bad headaches that I had. And I had the worst headaches in my life for almost four months after the fact.

I was sent to jail with no bail for seven, eight days, no bail, like, one of the worst criminals. I don't think --

Q. I'm going to stop you there concerning bail. I'm just asking you about now injuries that you allege that Officer Ebel caused?

MR. YOUNG: Well, this is all part of an arrest and being sent to

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M. GOMEZ

jail.

MS. SHERVEN: We're talking about physical injuries. We're not talking about bail.

MR. YOUNG: Okay. You didn't say that.

A. Listen, on crutches for a week. Taking medication up to this point for headaches. If I leave that medication, no other the pills can control those headaches. And it's been over a year, and I'm still taking medication. I was on crutches for a week. My right leg, it got very bad. I lost weight.

Being followed by Officer Ebel, okay, around town, me and my friends we were followed by him very closely while he was talking on the radio and checking his license plate on the computer, it was him. No, that's not physical. Sorry.

I mean, but I'm throwing everything in there altogether. All the harassment, all that. Every time he sees me, he was following me around town, and

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being provoked, okay. Because I have to drive through Sleepy Hollow to go to Phelps Memorial Hospital. I have to cut through there. So, if I have to go to my doctor's office to the neurologist, he has an office in Sleepy Hollow and Ossining, so I have to drive in Sleepy Hollow even if I don't want to. So, Ebel's involved in that. That's the reason I'm suing him also.

Q. Now, you mentioned bail. What is your understanding as to how Officer Ebel was involved in the bail that you got?

A. No. He was not involved in that. I shouldn't have said that. It was just, I don't know I was trying to be a little -- you know put everything together. You know, and everything that it had caused.

Q. Were any police officers involved to your understanding concerning when you were given bail?

MR. YOUNG: I'm going to object to the form of that question. I don't know what that means.

Q. Do you understand my question.

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M. GOMEZ

Mr. Gomez?

A. Well, no, my Counsel objected so.

Q. He says he doesn't understand. Do you know what I'm asking?

A. If I was think they were playing any type of games?

Q. All right. Let me rephrase the question then. Are you alleging that any of the police officers had any involvement in the timeframe in which it took for you to obtain bail?

A. Yes.

Q. Who are you alleging?

A. I'm not saying -- I couldn't say. I was brought in from the shock, only because they had to print my wife. They refused to give me water for almost three hours. I was put in the cell. Then in the morning they got me up. You're going to see the Judge. It was 6:30 in the morning.

The two officers that were escorting me were there. I had already spoken to Detective Chuck Sica. He had

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1 printed me. He grew up with me. I had
2 already spoken to Barry Campbell.

3 Now, once I'm getting
4 transported to the jail, they take me to the
5 courtroom. The Judge you're been charged
6 with this, this, this, this. And when I
7 said, Your Honor. Don't open your mouth.
8 And the reason I cannot give you bail,
9 because I don't have your commitment papers,
10 so I can't give you any bail for that. I
11 said, okay.

12 I go in, and, okay, they
13 shackle me up. When I go to the squad car,
14 the two officers the driver and the one
15 giving me the escort. Officer Bennitas said
16 do you have the commitment papers. And the
17 other officer said, yes, it's here.

18 They had it all the time in the
19 squad car. They never gave the commitment
20 papers to the Judge. That way they know
21 that if the Judge don't have commitment
22 papers, she can't set bail on me. So,
23 that's why I know they were playing games.
24 That was done intentionally.

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M. GOMEZ

1 Q Who were those officers that
2 you believe were involved in that?

3 A Counsel, I'm going to be honest
4 with you, that decision couldn't have come
5 from those two officers.

6 C. No, but I'm asking who are
7 those two officers.

8 A. The one that transported me.

9 Right, what were their names?

10 Officer Tony Bennitas, and it's
11 in the newspaper, because he's the one that
12 tased the sixteen-year old kid. He was
13 the one that took me to the County Jail the
14 next morning.

15 MS. SHERVEN: I'm move to
16 strike the portion that's not
17 responsive.

18 Q You said two police officers?

19 A Yes.

20 Q Do you know the name of the
21 other police officer?

22 A I have no idea, but I was
23 told you he was the one that was involved
24 with Officer Quinoy in the tasing of the

M. GOMEZ

1 sixteen-year old kid a few months ago, so I
2 don't know.

3 Q. Just so I'm clear, because I
4 think I misunderstood you then. Was Officer
5 Bennitas involved in that other incident, or
6 were you saying Officer Bennitas and this
7 officer who was involved?

8 A. No, the officer who I don't
9 remember his name, that's the one that was
10 involved in tasing the sixteen-year old kid.
11 I know him by face, but I can't remember his
12 name.

13 And Bennitas asked the other
14 officer, do you have the commitment paper.
15 He said, yeah. It was under the visor.
16 They had it in there all the time. They
17 didn't give it to the Judge. That way they
18 know if I go with no commitment papers, she
19 couldn't set bail on me. They wanted me to
20 go eight days without bail.

21 Q. Did anyone specifically tell
22 you that they did not give the commitment
23 papers to the Judge for that reason, or is
24 this something, your suspicion?

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M. GOMEZ

1 A. Counsel, I was a Correction
2 Officer for over close to twenty years in
3 New York City. I know every Corrections is
4 inside and the police is outside. Every
5 trick in the book that you can --

6 Q. But I'm asking you, did anyone
7 specifically tell you that?

8 A. No, nobody told me that
9 personally, but I know that was done
10 specifically for that.

11 Q. How much time passed until you
12 actually saw the Judge?

13 A. I was printed, and I would
14 think it was about early 7:00 o'clock, a
15 little bit before 7:00.

16 Q. Let me ask you that another
17 way. How much time passed from that time
18 you went to see the Judge and she said she
19 couldn't set bail because of no commitment
20 papers until bail was set?

21 A. Oh, they set bail on my first
22 Court date.

23 Q. How much time passed?

24 A. About seven or eight days I was

M. GOMEZ

1 in jail. I was in the county jail, yes.

2 Q. Do you know why so much time
3 passed? In other words, why you couldn't
4 see the Judge the next day or some other
5 day?

6 A. No, I had no idea.

7 Q. Now, the last police officer
8 that you have sued individually is Officer
9 Michael Gasker. Why did you sue him
10 personally?

11 A. Because Officer Michael Gasker
12 was involved in the incident. He put the
13 electricity in me quite a few times. He was
14 involved with Detective Quinoy and that is a
15 reason that I'm basically putting his name
16 down.

17 Q. Any other reason?

18 A. He was there in the courtroom
19 in the morning, and 7:00 o'clock in the
20 morning, he was still there.

21 Q. Are you talking about the first
22 time you saw the Judge or the second time?

23 A. I only saw the Judge one time.
24 and I'm talking about before I went to jail.

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M. GOMEZ

1 I saw the Judge again after, on the next
2 Court date after I came back from jail.

3 Q. So, we're talking about that
4 first time?

5 A. The first time, he was still
6 there. He knew -- he more or less has to
7 know what was going on. And I'm not saying
8 that he was directly involved, but he knows
9 what was going on. And if you're a police
10 officer, you got the right to say this is
11 not right. Even if it's his supervisor, I
12 don't think I'm going to be part of this.
13 And if he was part of that, that means that
14 he was involved in all the situation that
15 happened.

16 Q. Any other reason you're suing
17 Officer Gasker?

18 A. No. He --

19 Q. Did you want to add something?

20 A. Yes.

21 Q. Okay, go ahead.

22 A. At the beginning, at the
23 beginning it's been over a year, so it's a
24 long time, he was very no problems, but

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M. GOMEZ

1 lately when I had seen him a few times in
2 town, he has been -- I was giving my dad a
3 ride to the hospital for an MRI, and I would
4 say that was a month and a half ago. And
5 Officer Gasker cut very abruptly in front of
6 me. He knows my truck, so I don't know if
7 he's looking for me to -- I don't know to do
8 something stupid or come out or say
9 something, and that's pretty much it. He
10 was not that way before. But when I see him
11 lately, he's been giving me like very
12 aggressive looks, like, dirty looks to see
13 if I'm going to respond in any type of
14 manner. You know, I guess it's all my --

15 But he was not doing that
16 before in the beginning. He's just
17 beginning to act this way at the end, right
18 now, the last couple of months.

19 Q. And that is after -- just so
20 we're clear of this incident you're just
21 describing, that was after you named him in
22 the lawsuit?

23 A. Oh, yes.

24 Q. Recent?

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M. GOMEZ

1 A. Yes, this is just recent. I
2 think this is after the FBI investigation.
3 The FBI opened an investigation on the
4 Sleepy Hollow Police Department.

5 Q. Have you spoken with anyone
6 from the FBI concerning this incident?

7 A. Yes.

8 Q. Who have you spoken with?

9 MR. YOUNG: I'm going to direct
10 him not to answer.

11 THE WITNESS: Okay.

12 MR. YOUNG: There's an ongoing
13 FBI investigation, and I have been
14 told that he is not to speak to
15 anybody but the FBI about this.

16 THE WITNESS: Sorry, I didn't
17 know.

18 MR. YOUNG: You can take your
19 chances. You want to call the Judge
20 and interfere in an FBI
21 investigation.

22 MS. SHERVEN: Counsel, if you
23 can allow me to respond before you
24 jump the gun, here.

1 M. GOMEZ

2 MR. YOUNG: Go ahead.

3 MS. SHERVEN: I'm not sure what
4 you're referring to that the FBI has
5 told him not to speak to anyone about
6 this. If you're referring
7 specifically to his conversations
8 with him or about this incident.

9 Obviously, if you're trying to say
10 that he's not supposed to be
11 testifying today, I'm not sure
12 exactly where you're going with that,
13 because obviously this deposition was
14 ordered by Judge Bryant and I don't
15 believe that the FBI has issued an
16 order or has gotten another Judge to
17 issue an order saying that we cannot
18 proceed with this deposition today.

19 If you're simply referring to
20 the contents of any conversations
21 that Mr. Gomez may have had with an
22 investigator then, you know, I'll ask
23 you on the record and off the record
24 to provide us with the names of any
25 individuals, and I won't ask any

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1 M. GOMEZ

2 individuals from the FBI that you
3 have had contact with, and I'm not
4 going to ask questions substantively
5 at this time during this deposition
6 concerning Mr. Gomez's involvement in
7 the FBI investigation.

8 MR. YOUNG: So, what are you
9 looking for?

10 MS. SHERVEN: So, if you can
11 provide me with the name. That's all
12 I was asking was who the name was of
13 the FBI investigator. That's the
14 only question I had asked.

15 MR. YOUNG: I will provide you
16 with that at a later date. I don't
17 have it off the top of my head. My
18 understanding was it was a female.

19 MS. SHERVEN: Is it your
20 understanding that the FBI doesn't
21 want him to speak about this incident
22 or about the substance of his
23 conversations with them?

24 MR. YOUNG: Let's see. Let's
25 see. You represent the Village of

1 M. GOMEZ

2 Sleepy Hollow. There is a Justice
3 Department and FBI investigation into
4 that department. I don't really
5 think that the FBI would like Mario
6 to share the fruits of their
7 investigation with you as their
8 attorney.

9 MS. SHERVEN: My question was
10 merely, without you needing to go
11 into any type of qualification of it,
12 my question was merely if it was your
13 understanding that he was not allowed
14 to speak about this incident, which
15 was the subject of this deposition
16 today, or merely about the content of
17 the investigation.

18 MR. YOUNG: Well, let's see.
19 He's just spoken for the last several
20 hours about the incident here.

21 MS. SHERVEN: Well, you're the
22 one who made this record, so I'm just
23 trying to make sure that you're not
24 going to say at some future date
25 that, oh, he was not supposed to

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1 M. GOMEZ

2 testify about the contents of this
3 case.

4 MR. YOUNG: I mean if I say
5 that, I say that. We'll deal with it
6 at a later date.

7 While we are on the subject,
8 though, I would just like to say I
9 know your office conducted two days
10 of 50-h Hearings prior to this. And
11 under the applicable case law, the
12 transcripts of those hearings are
13 private. You may use them for
14 purposes of your investigation to
15 defend the civil lawsuit, but the
16 contents of those 50-h Hearings are
17 not to be shared with any other
18 parties. And I am going on the
19 record now that if, and your office
20 is the only one that has them other
21 than my office, if they are shared
22 with any third-parties that opens up
23 the publication, people who publish
24 it, to serious issues, damages, and
25 Bar Association issues.

1 M. GOMEZ

2 MS. SHERVEN: I believe at 50-h
3 Hearing will speak for itself, and it
is neither here nor there for this
deposition.

6 MR. YOUNG: Yes.

7 MS. SHERVEN: All right, I have
8 no further questions at this time.

9 MR. YOUNG: Okay.

10 (Time noted 3:05 p.m.)

14 _____
15 MARIO GOMEZ

16 Subscribed and sworn to
17 before me this _____ day
18 of _____, 2008.

21 _____
22 Notary Public
23
24
25

REQUESTS

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Mr. Gomez's cell phone number at time of incident	18
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CERTIFICATE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, NANCY P. TENDY, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That MARIO GOMEZ, the witness whose deposition is hereinbefore set forth, was duly sworn by me, and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of February, 2008.

NANCY P. TENDY
SHORTHAND REPORTER

ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 2/14/08:

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MARIO GOMEZ

Subscribed and sworn to
before me this _____ day
of _____, 2008.

Notary Public